

**FILED
UNDER
SEAL**

Prob12C
D/NV Form
Rev. March 2017

United States District Court
for
the District of Nevada

PETITION FOR WARRANT
FOR OFFENDER UNDER SUPERVISION

Name of Offender: **Anthony McMichael**

Case Number: **2:13CR00325**

Name of Sentencing Judicial Officer: **Honorable Lloyd D. George**

Date of Original Sentence: **September 23, 2014**

Original Offense: **Felon in Possession of a Firearm**

Original Sentence: **38 Months prison, followed by 36 Months TSR.**

Date of Prior Revocation: **December 16, 2019**

Revocation Sentence: **Time served, followed by 6 months TSR.**

Date Supervision Commenced: **December 16, 2019**

Name of Assigned Judicial Officer: **Honorable Richard F. Boulware, II**

PETITIONING THE COURT

☒ To issue a warrant.

The probation officer believes the offender has violated the following condition(s) of supervision:

1. **Substance Abuse Treatment** – You must participate in an inpatient substance abuse treatment program and follow the rules and regulations of that program. The probation officer will supervise your participation in the program (provider, location, modality, duration, intensity, etc.). If you complete the program and are able to obtain full-time employment with no violations, the Court will consider terminating supervision.

RE: Anthony McMichael

Prob12C
D/NV Form
Rev. March 2017

On December 22, 2019, due to Westcare personnel suspecting McMichael was under the influence of drugs, he was transported from Harris Springs Ranch to Westcare's Community Triage Center in Las Vegas for medical care. Upon arrival at Westcare, McMichael was escorted into the facility. On December 22, 2019, the probation office received notification that McMichael failed to remain at the facility and left the premises.

2. **Live At Approved Place** - You must live at a place approved by the probation officer. If you plan to change where you live or anything about your living arrangements (such as the people you live with), you must notify the probation officer at least 10 days before the change. If notifying the probation officer in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.

On December 22, 2019, McMichael was transported from Harris Springs Ranch to Westcare Community Triage Center. McMichael left the triage center shortly after his arrival. As of this date, McMichael has failed notify the undersigned officer of a change in address.

3. **Do Not Unlawfully Use Controlled Substance** - You must refrain from any unlawful use of a controlled substance. You must submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court, not to exceed 104 tests annually.

McMichael provided invalid drug tests due to low gravity on the following dates:

- December 16, 2019.
- December 17, 2019 (on two occasions).

On December 22, 2019, personnel at Harris Springs Ranch attempted to obtain a drug test from McMichael. McMichael became belligerent and refused to submit a drug test.

4. **"GPS" Location Monitoring** - You will be monitored by the form of "GPS" location monitoring technology until placement in residential treatment facility. You must follow the rules and regulation of the location monitoring program.

On December 16, 2019, the location monitoring system showed the following alerts:

- 12/16/2019:
 - Unauthorized enter at 6:19 p.m.
 - Unauthorized leave at 11:05 p.m.
 - Unauthorized enter at 11:15 p.m.
 - Unauthorized leave at 11:15 p.m.
 - Unauthorized enter at 11:27 p.m.

RE: Anthony McMichael

Prob12C
D/NV Form
Rev. March 2017

- 12/17/2019
Unauthorized leave at 2:21 a.m.
Unauthorized enter at 2:33 a.m.
Unauthorized leave at 2:50 a.m.
Unauthorized enter at 3:14 a.m.
Unauthorized leave at 3:27 a.m.
Unauthorized enter at 3:34 a.m.
Unauthorized leave at 3:50 a.m.
Unauthorized enter at 3:57 a.m.
Unauthorized leave at 4:14 a.m.
Unauthorized enter at 4:37 a.m.

Review of is GPS monitoring points reflect him outside of his residence.

U.S. Probation Officer Recommendation:

The term of supervision should be:

☒ Revoked

I declare under penalty of perjury that the
information contained herein is true and correct,

Executed on **December 23, 2019**



Digitally signed by Brianna
M King
Date: 2019.12.23 15:56:51
-08'00'

Brianna King
United States Probation Officer

Approved:



Joy Gabonia
2019.12.23
15:46:27 -08'00'

Joy Gabonia
Supervisory United States Probation Officer

RE: Anthony McMichael

Prob12C
D/NV Form
Rev. March 2017

THE COURT ORDERS

- ☐ No Action.
- ☐ The issuance of a warrant.
- ☒ The issuance of a summons.
- ☐ Other:



RICHARD F. BOULWARE, II
United States District Judge

December 26, 2019

Date

RE: Anthony McMichael

Prob12C
D/NV Form
Rev. March 2017

**UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA
UNITED STATES V. ANTHONY MCMICHAEL, 2:13CR00325**

**SUMMARY IN SUPPORT OF PETITION FOR WARRANT
December 23, 2019**

By way of case history, on September 23, 2014, Anthony McMichael was sentenced to 38 months prison followed by three years supervised release for committing the offense of Felon in Possession of a Firearm. McMichael's first term of Supervised release commenced in the District of Nevada on June 26, 2017. As a condition of release, McMichael was required to reside at the residential reentry center (RRC). McMichael absconded from the RRC within a day of his release and a warrant was subsequently issued on July 5, 2017.

On August 1, 2017, the offender's supervised release was revoked, and he was sentenced to custody for 6 months followed by 30 months of supervised release.

On January 4, 2018, the offender commenced his second term of supervised release. On February 6, 2018, petition for warrant for offender under supervision was filed with the Court. It was alleged that McMichael violated his release conditions by using a device to circumvent drug testing, using methamphetamine and morphine, failure to answer inquiries truthfully, and violating rules at the RRC.

On April 23, 2018, McMichael appeared before Your Honor for revocation proceedings. McMichael admitted to violating his release conditions as alleged in the petition. McMichael was continued on supervised release with additional conditions to include placement at the RRC, C.A.R.E. Program, and home confinement with GPS monitoring. Although McMichael incurred violations of his location monitoring schedule, he eventually successfully completed this program and it was removed on September 12, 2018. McMichael also successfully completed the C.A.R.E. Program and obtained full-time employment.

On February 28, 2019, and again on March 1, 2019, McMichael tested positive for methamphetamine. It was also discovered McMichael quit his job in January of 2019 and failed to disclose. McMichael continued to report employment and lied to his previous probation officer regarding employment status. Consequently, on March 13, 2019, a petition for a warrant was filed with the Court to initiate revocation proceedings.

McMichael appeared before Your Honor on March 19, 2019, for revocation proceedings. The parties agreed, and the Court concurred to place McMichael at the Freedom House for 90 days. Additionally, his drug testing frequency was increased, and he was returned to substance abuse treatment.

McMichael continued to spiral with drug use and continued to test positive for methamphetamine and suboxone. On March 27, 2019, McMichael was suspended from the Freedom House due to his continued drug use. It should be noted that, McMichael presented a

RE: Anthony McMichael

Prob12C
D/NV Form
Rev. March 2017

fictional prescription for suboxone to the probation office. As a result, a third petition for warrant for offender under supervision was filed with the court on April 4, 2019.

Two days after filing the third petition for warrant, McMichael was arrested on April 6, 2019. On June 19, 2019, McMichael plead guilty to committing the offense of Forgery. He was sentenced to a minimum of 12 months custody and a maximum of 34 months custody.

In December 16, 2019, McMichael appeared before Your Honor for revocation proceedings. His supervised release was revoked, and he was sentenced to time served with 6 months of supervised release to follow. In addition, McMichael was ordered to complete an inpatient substance abuse treatment and ordered to remain on home confinement with location monitoring pending his placement. He commenced his term of supervised release on December 16, 2019.

Directly after this hearing, McMichael reported to the probation office and submitted an invalid drug test due to low gravity. Later that evening, a home visit was conducted where McMichael was able to provide a valid drug test with negative results.

On December 16, 2019, and again on December 17, 2019, multiple alerts through the location monitoring system for unauthorized leave and unauthorized enter at McMichael's residence were received. All GPS points remained clustered at McMichael's place of residence.

On December 17, 2019, the undersigned officer questioned McMichael about the alerts and advised that he is not allowed to leave his house for any reason, that includes going outside. McMichael denied exiting the house during unauthorized times. Additionally, on December 17, 2019, McMichael submitted two invalid drug tests, but denied any drug use or attempts to avoid detection.

On December 22, 2019, personnel at Harris Springs Ranch attempted to obtain a drug test from McMichael due to his inability to walk and slurred speech. McMichael became upset and started yelling profanities at staff and stated that he was packing his belongings and leaving. Las Vegas Metropolitan Police Department was called due to medical concerns. McMichael was then taken to the Westcare Community Triage Center. As indicated in the petition, shortly after arriving at the triage center, McMichael left the premises.

It is evident McMichael is unable to manage his addiction in the community, despite the numerous opportunities afforded to him. McMichael is considered a danger to himself and the community. The probation office is requesting issuance of a warrant to initiate revocation proceedings.

RE: Anthony McMichael

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Respectfully submitted,



Digitally signed by Brianna
M King
Date: 2019.12.23 15:52:19
-08'00'

Brianna King
United States Probation Officer

Approved:



Joy Gabonia
2019.12.23
15:46:49 -08'00'

Joy Gabonia
Supervisory United States Probation Officer